

Message Text

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ORIGIN AF-18

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DRAFTED BY AF/E:RBRESSLER:BR

APPROVED BY AF:JBLAKE

AF/E:WBCOOTE

SCS:JALIVORNESE (IN DRAFT)

L/AF:BKHUFFMAN (IN DRAFT)

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O 291844Z MAR 74

FM SECSTATE WASHDC

TO AMEMBASSY TANANARIVE IMMEDIATE

C O N F I D E N T I A L STATE 063366

E.O. 11652: N/A

TAGS: CASC, MA

SUBJ: W/W REPPAS

REF : (A) TANA 0395 (B) TANA 0401 (C) TANA 0403

SUMMARY: DEPUTY ASSISTANT SECRETARY BLAKE CALLED IN MALAGASY AMBASSADOR RAHARIJAONA MARCH 28 TO DISCUSS REPPAS CASE. BLAKE STATED THAT WE DO NOT REGARD MATTER AS PROBLEM BETWEEN OUR TWO GOVERNMENTS, NOR DO WE QUESTION RESULTS OF TRIAL. NEVERTHELESS, WE MOST HOPEFUL THAT GOMR CAN REEXAMINE CASE ON HUMANITARIAN GROUNDS IN VIEW OF REPPAS' ALREADY LONG STAY IN PRISON AND FAILING HEALTH. BLAKE NOTED IT WAS LIKELY THAT THERE WOULD BE ANOTHER WAVE OF UNFAVORABLE STORIES IN THE PRESS ONCE THE NEWS BREAKS THAT REPPAS' SENTENCE AND FINE WERE INCREASED UPON APPEAL. HE EXPRESSED HOPE A WAY COULD BE FOUND TO SOLVE THE AFFAIR AS CONTINUED IMPRISONMENT OF REPPAS COULD INTERFERE WITH OUR GOOD BILATERAL RELATIONS. BLAKE SUGGESTED AS A POSSIBLE REMEDY THAT GOMR GIVE CONSIDERATION TO EXPELLING REPPAS FROM COUNTRY. AMBASSADOR RAHARIJAONA NOTED THAT PUBLIC, PRESS AND CONGRESSIONAL INTEREST IN THE CASE HAD DECLINED IN RECENT MONTHS, BUT HE WELL AWARE OF POTENTIAL PROBLEMS CASE NOW
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POSES. RAHARIJAONA BELIEVES A PARDON IS BEST POSSIBLE SOLU-

TION THAT CAN NOW BE HOPED FOR. HE PROMISED TO COMMUNICATE
SUBSTANCE OF DISCUSSION TO HIS GOVERNMENT. END SUMMARY

1. DEPUTY ASSISTANT SECRETARY BLAKE CALLED IN MALAGASY

AMBASSADOR RAHARIJAONA MARCH 28 TO DISCUSS REPPAS CASE.
AFTER SUMMARIZING THE CASE TO DATE, BLAKE STATED THAT WE DO
NOT REGARD IT AS SERIOUS PROBLEM BETWEEN OUR TWO GOVERN-
MENTS, NOR DO WE QUESTION THE RESULTS OF THE TRIAL AS
CONDUCTED UNDER THE MALAGASY SYSTEM OF JUSTICE. NEVERTHE-
LESS, WE MOST HOPEFUL THAT THE GOMR CAN REEXAMINE THE CASE
ON HUMANITARIAN GROUNDS. REPPAS HAS BEEN IN PRISON FOR
ALMOST 18 MONTHS AND HIS HEALTH IS DETERIORATING. BLAKE
NOTED PAST PRESS AND CONGRESSIONAL INTEREST IN THE CASE.
HE STATED THAT ALTHOUGH WE HOPED THAT THE PRESS WOULD
STAY CALM, IT IS MORE LIKELY THAT THERE WILL BE EVEN MORE
UNFAVORABLE STORIES THAN BEFORE ONCE THE NEWS BREAKS THAT
REPPAS' SENTENCE AND FINE WERE INCREASED UPON APPEAL.
BLAKE CONCLUDED BY STATING THAT HE HOPED A WAY COULD BE
FOUND TO RESOLVE THE AFFAIR AS IT MAY INTERFERE WITH OUR
GOOD BILATERAL RELATIONS. HE URGED THAT GOMR CONSIDER EX-
PULSION AS A POSSIBLE REMEDY.

2. AMBASSADOR RAHARIJAONA REVIEWED HIS HANDLING OF PAST
PRESS AND PUBLIC INTEREST IN THE CASE WHICH HAS DECREASED
IN RECENT MONTHS. HE THEN SUMMARIZED PRIOR CONVERSATIONS
BETWEEN HIMSELF AND DEPARTMENT ON THE MATTER. HE NOW
BELIEVES THAT REPPAS HAS LESS OF A FOLLOWING IN UNITED
STATES THAN HE ONCE THOUGHT. HE THINKS THAT SEVERAL
AMERICAN INVESTORS NOW UNDERSTAND THE GOMR POSITION AND
FEEL THAT THEY HAVE BEEN MISLED BY REPPAS. HE ALSO NOTED
THAT THE QUESTION HAD BEEN RELATIVELY EASILY DISPOSED OF
SO FAR IN THE CONGRESSIONAL SUGAR QUOTA HEARINGS. HOWEVER,
RAHARIJAONA SAID THAT HE WAS WELL AWARE OF THE POTENTIAL
PROBLEMS THE CASE NOW POSES FOR HIS GOVERNMENT AND STATE
DEPARTMENT.

3. TURNING TO THE APPELLATE COURT DECISION, RAHARIJAONA
NOTED THAT NEW WITNESSES HAD APPEARED BEFORE THE APPELLATE
COURT. HE SAID THAT GRAVITY OF CASE WAS SHOWN TO BE
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GREATER UPON APPEAL AND THAT IT WAS THEREFORE NORMAL UNDER
MALAGASY LAW THAT PENALTY BE INCREASED.

4. RAHARIJAONA NEXT DISCUSSED POSSIBLE SOLUTIONS TO PRO-
BLEM. HE DOUBTS THAT APPELLATE COURT DECISION CAN BE OVER-
TURNED ON APPEAL BECAUSE ONLY POINTS OF LAW CAN BE CHALLENGE
(AS NOTED BY LEBEL - REF A). HE SAID THAT "LIBERATION CON-
DITIONNELLE" WOULD NOT BE A GOOD SOLUTION AS ONE HALF OF

THE SENTENCE MUST HAVE BEEN SERVED BEFORE THE PRISONER IS ELIGIBLE. THE AMBASSADOR CONCLUDED THAT THE BEST POSSIBLE SOLUTION WOULD BE A PARDON BY THE CHIEF OF STATE. THE PRISONER'S STATE OF HEALTH, TIME SERVED AND CONDUCT IN PRISON ARE USUALLY TAKEN INTO ACCOUNT.

5. RAHARIJAONA THEN NOTED RESAMPA'S CONNECTION WITH THE PROJECT, AND SAID THAT HE WAS SURE THAT THIS POLITICAL QUESTION WAS NOT CONSIDERED BY THE COURT OF APPEALS. HOWEVER, RAHARIJAONA WARNED THAT IT MAY WELL BE TAKEN INTO ACCOUNT IN MAKING A DECISION ON PARDON.

6. THE AMBASSADOR STATED THAT HE WOULD COMMUNICATE WITH THE GOMR ON THE PROBLEM.

7. BRADFORD JEFFRIES, REPPAS' SAN FRANCISCO ATTORNEY, CONCURRED IN OUR APPROACHING THE GOMR. HE SAID HE WOULD TAKE NO ACTION UNTIL RESULTS OF DEMARCHE ARE KNOWN.

8. REQUEST EMBASSY FOLLOW UP WITH APPROPRIATE MALAGASY OFFICIALS, INCLUDING MIN JUSTICE ANDRIANADA. KISSINGER

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